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Attorneys for Defendant University First Federal Credit Union

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

U FIRST FEDERAL CREDIT UNION,

Plaintiff,

vs.

UNIVERSITY FIRST FEDERAL CREDIT
UNION,

Defendant.

**DEFENDANT’S MOTION TO
EXPEDITE BRIEFING ON SHORT
FORM DISCOVERY MOTION
REGARDING WITNESS TESTIMONY
AT PRELIMINARY INJUNCTION
HEARING SCHEDULED FOR
JANUARY 11, 2023**

Case No. 2:22-cv-00646-JNP-JCB

Judge Jill N. Parrish

Magistrate Judge Jared C. Bennett

RELIEF REQUESTED AND GROUNDS THEREFOR

By the instant motion, Defendant requests that the response deadline for Plaintiff’s memorandum in opposition to Defendant’s Short Form Discovery Motion Regarding Witness Testimony at Preliminary Injunction Hearing Scheduled for January 11, 2022 (Dkt. No. 50, the “Short Form Discovery Motion”) be expedited and set for **Wednesday, November 23, 2022.**

ARGUMENT

The parties have tentatively agreed upon a briefing schedule for Plaintiff's Motion for Preliminary Injunction (the "PI Motion"). Under the tentative schedule, Defendant's memorandum opposing the PI Motion would be due on December 14, 2022. Nevertheless, during the interim, a dispute has arisen among the parties as to the presentation of live witness testimony at the preliminary injunction hearing currently set for January 11, 2023. This dispute is presented to the Court for resolution in Defendant's Short Form Discovery Motion (Dkt. No. 50) filed concurrently herewith. In order to resolve the dispute at issue in the Short Form Discovery Motion while fostering the greatest chance for the parties to adhere to the schedule which has been tentatively agreed upon for briefing the PI Motion (and to be prepared for the January 11, 2023 preliminary injunction hearing), Defendant respectfully requests that Plaintiff be ordered to respond to the Short Form Discovery Motion on or before Wednesday, November 23, 2022. Good cause supports such a request inasmuch as Plaintiff is anxious to have its PI Motion made ready for hearing (and for the parties to adhere to the tentatively agreed upon briefing schedule) but has refused to participate in an informal discovery conference with the Court (i.e., without briefing) to expedite resolution of the parties' dispute at issue in the Short Form Discovery Motion, thus infusing potential delays into the tentative schedule. Accordingly, Plaintiff should be ordered to respond to Defendant's Short Form Discovery Motion on or before Wednesday, November 23, 2022.

DATED this 21st day of November 2022.

Respectfully submitted,

By: /s/James T. Burton

KIRTON McCONKIE

James T. Burton

Joshua S. Rupp

Annemarie Garrett

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of November 2022, I caused a true and correct copy of the foregoing **DEFENDANT’S MOTION TO EXPEDITE BRIEFING ON SHORT FORM DISCOVERY MOTION REGARDING WITNESS TESTIMONY AT PRELIMINARY INJUNCTION HEARING SCHEDULED FOR JANUARY 11, 2023** to be filed using the Court’s CM/ECF electronic filing systems, which provides service to all counsel of record.

/s/Jennifer Blood